

CHAPTER 38

UTILITIES

ARTICLE I – WATER DEPARTMENT ESTABLISHED

38-1-1 **WATER DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the **Water Department**. It shall include the Water Committee, appointed by the Mayor and its employees. The designated office shall be the Village Hall.

38-1-2 **WATER COMMITTEE.** The Village Board standing committee on Water shall exercise a general supervision over the affairs of the Water Department. It shall ascertain the condition and needs thereof, shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department.

38-1-3 **SUPERINTENDENT OF WATER.** The Superintendent of Water shall be subject to the supervision of the Committee on Water. He shall be appointed by the Mayor, by and with the consent of the Village Board and shall hold his office until his successor shall be appointed and qualified. He shall receive such salary as may be provided by resolution of the Board at the time of his appointment.

38-1-4 **DUTIES OF THE SUPERINTENDENT.** It shall be the duty of the Superintendent to manage and control all aspects of the Water System.

38-1-5 **WATER CLERK.** The Water Clerk shall perform those duties as outlined in **Section 1-2-91**, et seq., of this Code.

ARTICLE II – WATER REGULATIONS

38-2-1 CONTRACT FOR WATER SERVICES.

(A) **Customer Accepts Service.** The rates, rules, and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water service from the Water System, and every person, company or corporation hereinafter called a “customer”, who accepts and uses Village water service shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the Department shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypass any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in **Chapter 1, Article I** of this Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner limiting the use or availability of any meter or any property of the water system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in **Chapter 1, Article I** of this Code.

(E) **Service Obtained By Fraud.** All contracts for water services must be made in the name of the head of the household, firm, or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service will be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Services.** Water service shall have been deemed to have been supplied to any property connected to the Water System during a month unless the customer notifies the Water Clerk prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Billing; Utility Shut-off; Hearing.**

- (1) **Payment; Penalty.** All bills for water service shall be due and payable upon presentation. If a bill is not paid within **thirty (30) days** of the billing, or within **thirty (30) days** of the date the bill is presented, whichever is later, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charge heretofore established for the water service.
- (2) Any customer who fails to pay the utility bills within **thirty (30) days** of presentation shall have the utility services disconnected after a written notice by the Water Clerk has been sent by certified mail to the customer, affording the customer an opportunity for a hearing. The notice shall specifically advise the customer of the following:
 - (a) name and address of the customer and the amount of the bill;
 - (b) the date, time, and location of the hearing to be held;
 - (c) that the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill;
 - (d) that if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (3) The time, date and location of the hearing shall be determined by the Manager, the Village Clerk, or the designee of the Mayor. The Mayor, Water Clerk, or designee shall preside over the hearing. The Mayor, Village Clerk, or designee of the Mayor shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing.
- (4) The consumer shall be notified within **two (2) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the consumer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the consumer's utility services. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the Village shall also have the right to terminate the consumer's utility service without further proceedings.
- (6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the Village shall notify the owner of the property by first-class mail.

- (7) Once utility services have been disconnected, the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Ten Dollars (\$10.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.

(I) **Lien Notice.** Whenever a bill for water service remains unpaid for **seventy-five (75) days** after it has been rendered, the Water Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Municipality claims a lien for this amount as well as for all charges for water service served subsequent to the period covered by the bill.

If the consumer of water service whose bill is unpaid is not the owner of the premises and the Water Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Water Clerk whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Water Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid water bills as mentioned herein.

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid water charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village.

The Village Attorney is hereby authorized to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill for water service has remained unpaid **ninety (90) days** after it has been rendered.

38-2-2 CONSUMER LISTS. It is hereby made the duty of the Water Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving water service, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 LIABILITY FOR CHARGES. The owner of any lot, parcel of land or premises receiving water service, the occupant of such premises and the user of the service shall be jointly and severally liable for the payment of the service to such lot, parcel of land or premises, and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village.

38-2-4 **ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage.** If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-5 **NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-6 **UTILITY DEPOSITS.**

(A) **Residential.** When any application is made for water service in accordance with the provisions of this Chapter, if service is requested to a location within the corporate limits of the Village, the applicant shall deposit with his application the sum of **Seventy-Five Dollars (\$75.00)** for each such water service connection, and an applicant for water service to a location outside the corporate limits of the Village of Dawson, Illinois, shall deposit with his application the sum of **Seventy-Five Dollars (\$75.00)** for each such water service connection. **(Revised July 2, 1984)**

(B) **Commercial.** In the case of a commercial or industrial user, the advance payment shall be a minimum of **Seventy-Five Dollars (\$75.00)** for water service to a location within the Village Corporate limits, and a minimum of **Seventy-Five Dollars (\$75.00)** for water service to a location outside the Village Corporate limits, or, in either event, an amount equal to **one (1) month** of estimated consumption, whichever is higher. **(Revised July 2, 1984)**

(C) **Security for Payments; No Interest.** The deposits made under the provisions of this Chapter shall be held by the Village as security for the payment of water service used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the water bill in accordance with this Chapter. The depositor shall earn no interest.

(D) **Transfer of Water Service Within System.** When a customer has established water service by deposit or otherwise with the Village, such customer shall be entitled to transfer the right to receive water service within the system served by the Village water system to a premises where a water service connection has been made and where any connection fee has been paid, but must pay or be entitled to a refund of the difference between the water service deposit for a property within the Village corporate limits and a property outside the Village corporate limits served by the Village water system. **(Revised September 8, 1987)**

38-2-7 **SPECIAL RATES.** The Mayor and Board of Trustees reserve the right to make special charges for water service supplied to properties not covered by the water rates or which, in the judgment of said Board, should be charged special rates.

38-2-8 **ADJUSTMENT OF WATER BILLS.** Where it shall appear to the Mayor and Board of Trustees that the water bill of any user of the water system reflects extraordinary charges as the result of a break or leak in the user's water lines, the Mayor and Board of Trustees is authorized to direct the adjustment of such water bill or bills as they determine are appropriate, but in all such cases, no water charges shall be reduced by a sum greater than **one-half (1/2)** of the amount determined by the Mayor and Board of Trustees to be an extraordinary charge. Where the extraordinary charges result from failure to discover the charges due to estimated billing for water services, the above limitation on adjustment of water bills shall not apply to the water bills so estimated. **(Revised April 6, 1992)**

ARTICLE III - WATER SYSTEM

DIVISION I - GENERAL REGULATIONS

38-3-1 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM. An applicant desiring a water tap or service connection with the Waterworks System of the Village shall file a written application at the Village Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Article IV for fees.)**

38-3-2 ALL SERVICE TO BE BY METER. All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

Should concrete or any other permanent materials be constructed or placed around the meter tile, it shall be the responsibility of the owner and/or user to remove said obstruction if it is not possible to repair or replace the water meter. If a user backfills his yard, it will be his responsibility to raise the water service so as to be accessible to repair.

38-3-3 INSPECTION.

(A) **Access to Premises.** The Village shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the Village. The Village shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the Village or the supply or fixtures of other consumers.

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

38-3-4 **METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the Village for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

38-3-5 **DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the express condition that the Village will not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations or renewals.

38-3-6 **RESALE.** No water shall be resold or distributed by the recipient or consumer thereof from the Village supply to any premises other than that for which application has been made and the meter installed, except with permission of the Village Board.

38-3-7 **DISCONTINUING SERVICE - DANGEROUS USAGE.** The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-8 **ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the Village. The Village shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the Village caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the Village. If not so disconnected **five (5) days** after notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-9 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.

Applicants desiring to use water from the Village Waterworks System for building or construction purposes shall make application therefor to the Superintendent of the Water Department on a form provided by the Water Department for that purpose.

Upon permission being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent of the Water Department.

38-3-10 FIRE HYDRANTS.

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the Village Limits, shall be owned, maintained and used only by the Village and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the Village and after approved application to the Village.

(B) The Village shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the Village Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the Village may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

38-3-11 LAWN WATERING. The right is reserved to suspend the use of lawn fountains and hoses for sprinkling lawns and gardens whenever, in the opinion of the Village, public exigencies require it.

38-3-12 SHORTAGE AND PURITY OF SUPPLY. The Village shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or Village's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-13 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the Village shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-14 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the Village and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system.

38-3-15 USE OF WATER ON CONSUMER'S PREMISES. The Village shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the Village for the water used by the Village.

38-3-16 RULES TO BECOME PART OF CONTRACT. All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby.

38-3-17 PENALTY. All violations of this Article shall be a Class Five (5) Ordinance violation as provided for in **Section 1-1-20** of this Code.

DIVISION II - CROSS-CONNECTIONS

38-3-18 APPROVED BACKFLOW DEVICE. All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

38-3-19 CROSS-CONNECTION PROHIBITED; EXCEPTION. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

38-3-20 INVESTIGATIONS BY SUPERINTENDENT. It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

38-3-21 RIGHT TO ENTER PREMISES. The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish

to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Superintendent, be evidence of the presence of improper connections as provided in this Chapter.

38-3-22 NOTICE TO CUSTOMER; RECONNECT FEE.

(A) The Superintendent is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the Village Clerk.

(B) Immediate disconnection with verbal notice can be effected when the Superintendent is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C) The public water supply, the Superintendent or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

38-3-23 CONTAMINATIONS COST AND THE CONSUMER. The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

38-3-24 - 38-3-30 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-31 **PURPOSE.** The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-32 **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

38-3-33 **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent of Water or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent of Water may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-34 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow Prevention Device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

"Consumer's Water System" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

"Direct Cross-Connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Indirect Cross-Connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Double Check Valve Assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

"Health Hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

“Inspection” means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

“Non-potable Water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

“Potable Water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

“Potential Cross-Connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

“Process fluid(s)” means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

“Public Water Supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or

general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

"Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-35 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-36 **CROSS-CONNECTION PROHIBITED.**

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-37 **SURVEY AND INVESTIGATIONS.**

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with **Ill. Comp. Stat., Ch. 225, Sec. 320/3.**

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

- (4) Testing and Records
 - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
 - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with **Ill. Comp. Stat., Ch. 415, Sec. 5/4(e)**.
 - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - (d) A maintenance log shall be maintained and include:
 - 1. date of each test;
 - 2. name and approval number of person performing the test;
 - 3. test results;
 - 4. repairs or servicing required;
 - 5. repairs and date completed; and
 - 6. servicing performed and date completed.

38-3-38 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.

- (3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water and/or the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

38-3-39 **TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-38** of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-40 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-41 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the

receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within **twenty-four (24) hours**.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.

(3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-42 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to **20 psi** or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operable.

38-3-43 VIOLATIONS AND PENALTIES.

(A) The Superintendent of Water shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired

in a manner acceptable to the Superintendent of Water, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent of Water, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent of Water.

(D) Neither the Village, the Superintendent, or its assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination.

38-3-44 - 38-3-49 RESERVED.

DIVISION IV - EXTENSION OF MAINS

38-3-50 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.

The Board of Trustees shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the Village may install and pay the cost of the extension at the discretion of the Board of Trustees. If the Village elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Board of Trustees. The Village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible.

38-3-51 CONTRACTOR INSTALLS EXTENSION.

(A) The Village shall approve all plans and specifications for any extensions.

(B) Before any extensions are installed, the plans and specifications shall be reviewed and approved by the State of Illinois, Environmental Protection Agency.

(C) Ownership, rights-of-way, and title shall be conveyed to the Village for all extensions installed by anyone other than the Village. The Village will maintain the mains after they have been inspected and approved by the Municipal Engineer.

(D) No extension will be permitted if in the opinion of the Board of Trustees the system does not have the necessary capacity to serve the proposed extension.

(E) All legal and engineering fees associated with the extension and charged to the Village shall be paid by the developer, unless otherwise provided.

ARTICLE IV - UTILITY RATES

DIVISION I - GENERAL

38-4-1 BUILDING UNIT DEFINED. All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

[NOTE: When two (2) or more families live in one (1) dwelling, one minimum per family may be charged. If more than the minimum is used, the owner or occupant of such dwelling shall pay the additional over such minimum as provided.]

38-4-2 REVENUES. All revenues and moneys derived from the operation of the water system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the Village ". The Treasurer shall administer such fund in every respect in the manner provided by the **Illinois Compiled Statutes, Chapter 65. (See Chapter I; Art. II)**

38-4-3 TESTING OF METERS. Each customer shall have the right to request a testing of his water meter, and if the water meter, after testing, proves to be within **two percent (2%)** of being correct, then such customer shall be charged a fee of **Fifty Dollars (\$50.00)**. The **Fifty Dollars (\$50.00)** shall be deposited with the Treasurer prior to the testing of the meter and shall be promptly refunded to the customer after the meter is tested in the event the meter proves to be outside **two percent (2%)** of being correct.

38-4-4 DISPUTES BETWEEN VILLAGE AND CUSTOMER. The Village reserves the right to have the Village Board decide all questions or disputes which may arise between the Village and any customer and to have the Village Board interpret the meaning of all of the provisions of this Chapter. The decision of the Village Board shall be final and binding upon the Village and customer, and the provisions of the section shall become a part of every contract for utilities between the Village and all customers.

38-4-5 - 38-4-9 RESERVED.

DIVISION II - WATER CHARGES

38-4-10 WATER SERVICE CONNECTION. All water tap and service connections shall conform to the standards and specifications of the Illinois Plumbing Code. The applicant shall pay, in advance, the estimated cost of the water service connection, including labor and materials; provided, however, the connection fee shall be no less than **One Thousand Five Hundred Dollars (\$1,500.00)** whether the building unit to be served is located within or without the corporate limits, or the actual cost of installation and connection as determined by the Water Superintendent is less than such fee. **(07-07-08)**

38-4-11 SPECIFICATIONS. The Village reserves the right to follow its own specifications for both material, construction and installation in all matters and at all locations within its jurisdiction, including the size, kind, type and condition of the water piping to which connection will be made, and it is the duty of the Superintendent to determine that specifications are followed, before accepting or connecting to any work.

38-4-12 INSTALLING AND MAINTAINING SERVICES LINES. The user shall be responsible for installation and maintenance of service lines between the curb stop and the residence or business. Such service lines must be at least three-fourths (3/4) inch in diameter, and must be installed at a minimum depth of four (4) feet. Service lines must have a minimum working pressure rating of 160 psi at 73.4 degrees F and must be constructed of one of the following types of materials: Copper (Type K), Polyvinyl Chloride (PVC), Polyethylene or Polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

38-4-13 BASIS FOR MONTHLY WATER SERVICE CHARGES. The water service charge for the use of and for service supplied by the water facilities of the Village shall consist of a service charge, basic usage charge, debt service charge and a capital improvement charge.

38-4-14 CHARGES LEVIED ON ALL USERS. The flat monthly service charge and excess usage charge are levied on all users to recover the operation, maintenance plus replacement ("O, M & R") costs and shall be based on water usage as recorded by water meters. The excess usage charge rates shall be approximated as follows:

- A. Estimate the total annual excess water volume billed (total metered volume minus total allowance volume.)
- B. Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.
- C. Subtract the monthly service charge revenue from the annual revenue required to determine the revenue required from excess usage charges.
- D. Compute excess usage charge rate per customer per 1,000 gallons.

38-4-15 **DEBT SERVICE CHARGE PURPOSE.** The Debt Service Charge is levied on all users to repay any debt service for the Village's waterworks system from time to time. The Debt Service Charge is computed as necessary by apportioning any annual debt service as a fixed charge per user account each month. The Debt Service charge shall be set aside in a separate Village waterworks account and dedicated, pledged, and used solely to pay any outstanding debt or to satisfy any loan repayment agreement with the IEPA Public Water Supply Revolving Loan Program attributable to the Village's waterworks facilities system. During the time that such loan repayment agreement remains in effect, the Village shall submit to the Illinois Environmental Protection Agency upon request a statement on the status of the Debt Service Charge account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan repayment agreement with the IEPA Public Water Supply Revolving Loan Program. To the extent necessary, the IEPA shall have reasonable access at the Village office during reasonable business office hours to view the Village's records regarding its waterworks facilities system.

38-4-16 **CAPITAL IMPROVEMENT CHARGE PURPOSE.** The capital improvement charge, if any, is levied on users to provide for capital improvements, extensions or reconstruction of the waterworks. The capital improvement charge is computed by apportioning the annual amount to be accrued as a fixed charge per billing period.

38-4-17 **ANNUAL REVIEW.** The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

38-4-18 **MEASUREMENT OF FLOW.** The volume of flow used for computing excess usage charges shall be the metered water consumption read to the lowest even increments of gallons.

4-19).

Vu = Water Volume for the billing period (before allowance reduction.)

CU = Excess Usage Charge rate per 1000 gallons for Operation, Maintenance and Replacement (Section 4-20).

38-4-24 FINAL BILL. Any person or party who shall vacate any premises shall immediately, before vacating said premises, request a final reading of the water meter by the Village. Such request or any request to the Village for a final reading of the water meter shall be made three business days prior to the date the final reading is requested. Upon receipt, the Village shall take a final reading and prepare a bill to be submitted to the consumer or user for payment prior to issuance of any real estate transfer stamps. In the event a final reading is not possible prior to the transfer of the property for which the real estate transfer stamps are required, the consumer shall pay 150 percent of the last bill or other reasonable amount as determined by the Village until a final reading is conducted. In the event the final reading shows that the consumer or user still owes the Village money, said consumer or user shall promptly pay to the Village any outstanding sums. In the event the final reading shows that the owner has paid in excess of the amount due, the Village shall promptly refund any monies to consumer or user.

38-4-25 INTERMITTENT SERVICE CHARGE. If a water user is on vacation, a fee of Five Dollars (\$5.00) for a minimum period of three (3) months shall be charged and such fee will be made for each successive three (3) month period.

38-4-26 CHARGE FOR DISCONTINUING SERVICE. If water is shut off at the request of the user, a charge of Two Dollars Fifty Cents (\$2.50) shall be made for such service, and if at a later date, the former user or anyone else shall request that the water be turned on again, a charge of Two Dollars Fifty Cents (\$2.50) shall be made to turn on such water.

38-4-27 BULK SALES OF WATER- WATER SALESMAN. Bulk purchases of water from the Village, utilizing the water salesman machine located at the Village Fire House, or through other arrangement with Village Officials, other than through a water service connection as provided in this Article, shall be paid at the rate or rates determined by the Village Board of Trustees, by a majority vote, and as posted from time to time by the Water Clerk, Village Clerk, or other Village Official. The Village Board of Trustees may restrict or prohibit the bulk sale of water from the water system from time to time as it may determine is in the best interest of the Village for the preservation of the water system and water supply for users connected to the system.

For purposes of this Section, "posting water rates" shall refer to the posting of a notice at or near the water salesman machine at the Village Fire House informing potential bulk purchasers of water of the rate then in effect. The Village may make such additional postings as the Village Board of Trustees determines. .

PAYMENT/LIENS

38-4-28 **MONTHLY PAYMENT.** Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village. Bills for service shall be sent out by the Water Clerk by the 25th day of the month succeeding the period for which the service is billed. All bills are due and payable by the 15th day of the following month. A penalty of ten (10%) percent shall be added to all bills not paid by the 15th day of the following month. The penalty will be increased to 20% any time a customer is late 2 months in a row.

38-4-29 **DELINQUENT BILLS.** If the charges for such services are not paid within 20 days after the rendering of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

38-4-30 **LIEN-NOTICE OF DELINQUENCY.** Whenever a bill for service remains unpaid for 20 days for monthly service after it has been rendered, the Village treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the treasurer, whenever such bill remains unpaid for the period forty-five days for a monthly bill after it has been rendered. The failure of the Village treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

Irrespective of any change in ownership of premises, each parcel of real estate for which application for sewer or water connection or house connection has been

filed and accepted by the Village shall be liable for the payment of periodic water and sewer charge hereinbefore provided.

38-4-31 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five (45) days in the case of a monthly bill or one hundred and five days in the case of a quarterly bill after it has been rendered.

38-4-32 **ACCOUNTS.** The Village treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the water plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.

38-4-33 **PENALTY.** Any person, firm or corporation violating any provisions of this Article shall be fined not less than one hundred (\$100.00) dollars nor more than five (\$500.00) dollars for each offense.

38-4-34 **ACCESS TO RECORDS.** The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Public Water Supply Loan Program Loan Agreement.

EFFECTIVE DATE OF RATES

38-4-35 **EFFECTIVE DATE.** The rates and service charges established for user charges in the Water Service Charges Article shall be effective as of November 1, 2011 and reflected on bills to be rendered for the next succeeding month.

VALIDITY

38-4-36 **SEVERABILITY.** If any section, paragraph, clause or provisions of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

APPEALS

38-4-37 **AVAILABILITY OF COMPUTATION OF CHARGES.** The method for computation of water service charges established for water service charges shall be made available to a user within thirty-five (35) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof for and as applicable to that user shall be resolved and determined by the Village Board of Trustees within thirty-five (35) days after notification of a formal written appeal is received by the Village Treasurer.

DEFINITIONS

38-4-38 Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) Federal Government:

"Federal Act" means the Federal 1996 Safe Drinking Water Acts Amendments.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(b) State Government:

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Loan" shall mean the State of Illinois participation in the financing of the construction of waterworks as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

(c) Local Government:

"Ordinance" means this ordinance. "Village" means the Village of Dawson.

"Approving Authority" means the approval of the Waterworks Supervisor.

(d) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(e) Clarification of word usage: "Shall" is mandatory; "may" is permissible.

(f) Water and its characteristics:

"ppm" shall mean parts per million by weight. "Milligrams per Liter" shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(g) Installation terms:

"Curb Cock" shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

"Easement" shall mean an acquired legal right for the specific use of land owned by others. "Service Box" shall mean a valve box used with corporation or curb cock.

(h) Types of charges:

"Water Service Charge" shall be the charge per month levied on all users of the Water Facilities. The service charge shall be computed as outlined in the General Provisions Article and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

"User Charge" shall mean a charge levied on users of waterworks for the cost of operation, maintenance and replacement.

"Basic User Charge" shall mean the basic assessment levied on all users of the public water system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of outstanding loans or bonds.

"Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the water works.

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. Debt service and capital improvement costs.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the waterworks will be operated.

"Water Fund" is the principal accounting designation for all revenues received in the operation of the water system.

(Revised 10/03/2011)

ARTICLE V – SEWER RATES

DIVISION I - USE OF PUBLIC SEWERS REQUIRED

38-5-1 DEPOSIT OF WASTES PROHIBITED. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

38-5-2 WASTEWATER IN NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the Village, or in area under the jurisdiction of the Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

38-5-3 CONTINUANCE OF WATER SERVICE FOR NONPAYMENT OF PUBLIC SEWER SERVICE CHARGES. Pursuant to Intergovernmental Cooperation Agreement with the Buffalo, Dawson, Mechanicsburg Sewer Commission, a joint governmental subdivision of the Village of Buffalo, Dawson and Mechanicsburg, Sangamon County, Illinois, operating a public sewer system servicing the residents of the Village of Dawson, Illinois, water service through the Village of Dawson Water System shall be discontinued in the event a Village resident is **ninety (90) days** or more in arrears in payment of sewer service statements for sewer services incurred after **September 8, 1987**, pursuant to the following procedure:

(A) After a sewer service customer who is serviced by the Water System of the Village is **ninety (90) days** or more in arrears in payment of their sewer service statement, the Clerk of the Sewer Commission or his billing assistant, shall mail a notice to the property owner and/or resident stating that water service will be terminated unless all delinquent sewer service statements are paid in full within **ten (10) days** of the date that the notice is mailed (unless mutually agreeable arrangements are made by both parties).

(1) The **ten (10) day** termination notice to a customer shall contain the following information:

- (a) That the sewer service statement is **ninety (90) days** or more in arrears;
- (b) The date or dates during which the delinquency accrued;
- (c) The exact sum that must be remitted to prevent a termination of water service;
- (d) The date by which full payment must be received by the Sewer Commission Clerk or his billing assistant to prevent termination of water service;

(e) That if water service is terminated as a result of the nonpayment of sewer service charges, the water meter will be physically removed and a payment equal to any amount established for reconnection by the Village will be required in addition to the payment of all delinquent sewer service charges prior to the time that the water meter will be reinstalled.

(B) A copy of the foregoing **ten (10) day** termination notice shall also be mailed to the Village Water Superintendent, the Sewer Treatment Plant Manager, and all of the Commissioners of the Sewer Commission.

(C) Removal of the water meter pursuant to the said Intergovernmental Cooperation Agreement will be accomplished by the Village Water Superintendent and the Sewer Treatment Plant Manager who shall both be present during the removal of the water meter and who shall remove the water meter only after having previously verified with the Sewer Commission Clerk or his billing assistant that the sewer service charges have not been paid for **ten (10) consecutive days** after the **ten (10) day** termination notice has been mailed.

38-5-4 RECONNECTION AFTER DISCONTINUANCE OF WATER SERVICE FOR FAILURE TO PAY SEWER SERVICE BILL. If the water service is discontinued to any customer for nonpayment of a sewer service bill as provided in this Article, service shall not be reconnected for that customer until the Buffalo, Dawson, Mechanicsburg Sewer Commission Clerk or his billing assistant acknowledges that such customer has paid his/her sewer bill in full, provided such customer's statement of account is also current for water service charges with the Village. **(Revised September 8, 1987)**

38-5-5 - 38-5-6 RESERVED.

DIVISION II - PRIVATE WASTEWATER DISPOSAL

38-5-7 **PRIVATE SEWER NOT AVAILABLE.** Where a public sanitary or combined sewer is not available under the provisions of **Section 38-5-4**, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

38-5-8 **APPLICATION.** Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Village Clerk. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the Village at the time the application is filed.

38-5-9 **PRIVATE WASTEWATER PERMIT.** A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Village. The Village shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Village Clerk when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within **twenty-four (24) hours** of the receipt of notice by the Village.

38-5-10 **MINIMUM LOT.** The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Illinois. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than **five thousand (5,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-5-11 **PRIVATE FACILITIES AT NO EXPENSE.** The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village.

38-5-12 **ADDITIONAL REQUIREMENTS IMPOSED.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

38-5-13 - 38-5-14 **RESERVED.**

DIVISION III – PUBLIC SEWER USE REGULATIONS

38-5-15 DISCHARGE PROHIBITED. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except storm runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Village.

38-5-16 STORM WATER DISCHARGE. Storm water, other than that exempted under **Section 38-5-15** and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Village and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Village, to a storm sewer, combined sewer, or natural outlet.

38-5-17 REGULATIONS OF WASTES. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(B) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, condens, sand, mud, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(E) Any waters or wastes having:

- (1) a **five (5) day** biochemical oxygen demand greater than **two hundred (200) parts** per million by weight, or
- (2) containing more than **two hundred fifty (250) parts** per million by weight of suspended solids, or
- (3) having an average daily flow greater than **five percent (5%)** of the average sewage flow of the Village,

shall be subject to the review of the Village. Where necessary, in the opinion of the Village, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1)

reduce the biochemical oxygen demand to **two hundred (200) parts** per million by weight, or (2) reduce the suspended solids to **two hundred fifty (250) parts** per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Village and no construction of such facilities shall be commenced until said approvals are obtained in writing.

38-5-18 HARMFUL EFFECTS OF CERTAIN MATERIALS. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Village may set limitations lower than the limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Village will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Village are as follows:

- (A) Wastewater having a temperature higher than **One Hundred Fifty Degrees Fahrenheit (150°F), [Sixty-Five Degrees Celsius (65°C)]**.
- (B) Wastewater containing more than **twenty-five (25) milligrams** per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- (C) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (D) Any wastewater from industrial plants containing floatable oils, fat or grease.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established in **Appendix "A"** of this Chapter.
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Village.
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations.
- (H) Quantities of flow concentrations, or both which constitute "slug" as defined herein.

(I) Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(J) Any water or wastes which, by interaction with other water system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

38-5-19 HARMFUL WASTES – APPROVAL. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, enumerated in **Section 38-5-18** of this Article, and which, in the judgment of the Village, may have a deleterious affect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- (A) Reject the wastes;
- (B) Require pre-treatment according to the pre-treatment standards as established by the Federal Environmental Protection Agency to an acceptable condition for discharge to the public sewers;
- (C) Require control over the quantities and rates of discharge; and/or,
- (D) Require payment to cover added cost of handling and treatment of wastes not covered by existing taxes or sewer charges under the provisions of **Section 38-5-24** of this Article.

If the Village permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and applicable regulatory agencies.

38-5-20 INTERCEPTORS; GREASE. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in **Section 38-5-18(D)**, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village. Any removal and hauling of the collected materials not performed by the owner(s)' personnel must be performed by currently licensed waste disposal firms.

38-5-21 FLOW-EQUALIZING FACILITIES. Where pre-treatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

38-5-22 INDUSTRIAL WASTES – CONTROL MANHOLE. When required by the Village, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village. The structure shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

38-5-23 MEASUREMENTS AND TESTS. All measurements, tests, and analyses of the characteristics of wastes and waters to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

38-5-24 SPECIAL ARRANGEMENT. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment.

38-5-25 PROTECTION FROM DAMAGE. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-5-26 PENALTY. All violations of this Article shall be a Class Five (5) Ordinance violation as provided for in **Section 1-1-20** of this Code.

ARTICLE VI – UTILITY EXTENSIONS

38-6-1 APPLICATION. Any person, firm or corporation within the service areas of the Utility System and desiring the extension of the mains to the premises shall make application therefore to the Village Clerk, and in making the application, shall present to the Village Clerk a plat showing the area to be served by the main extension. **(See Chapter 34; Subdivision for Water and Sewer Extensions.)**

38-6-2 PLAT OF PROPOSED EXTENSION. The plat shall be submitted by the Village Clerk to the Engineer and Water Committee of the Village Board for determination of the size and lengths of the installations, location of fire hydrants, water service valves and other appurtenances to be installed based upon the following requirements:

(A) Mains shall be sized so that fire protection service may be rendered to all lots or premises to be served by the main and any possible extension thereof.

(B) Fire hydrants shall be so located that no premises will be more than **four hundred (400) feet** from a fire hydrant.

(C) In determining the length of pipe lines to be installed to serve a main extension, the main shall be extended to fully cover the front of the property, and if the last lot to be served is a corner lot, or a lot immediately adjacent to a corner lot, the terminal point of the extension made hereunder shall be located so that the main laid hereunder ties with the existing main located in the intersecting street; and further provided that if there is no main located on the intersecting street, or no intersecting street, the terminal point of the extension made hereunder shall be located at the nearest street line of the intersecting street, or extend to the furthest end of the development.

(D) The Village may require the proposed main to be connected to its distribution system at a point which, in its judgment, is necessary to adequately furnish water to premises to be served and nothing herein shall require the Village to premises to be served and nothing herein shall require the Village to allow connection to the closest point of existing service, if such service is inadequate for the extension proposed.

(E) The Village reserves the right to further extend its water mains from and beyond the terminus of each water main extension made under this Chapter. The applicant, or the applicant's agent paying for an extension shall not be entitled to any refund for the attaching of customers to any further extension or branch mains so involved.

(F) Extension made under this rule shall be and remain the property of the Village.

(G) Before the Village mains will be laid hereunder in any new subdivision, it is understood and agreed that the road surface will be brought to the extended subgrade and the applicant, developer of such new subdivision shall furnish the Village with a right-of-way agreement in suitable form to the Village, unless the streets of the new subdivision have been dedicated to public use.

(H) **Installing Pipe Lines in Paved or Unpaved Streets.** When a pipe line is to be installed in a paved or unpaved street a service line of **one (1) inch** plastic pipe is to be provided to the center line of each lot for a **one (1) family** dwelling. The service line is to terminate at a point **three (3) feet to five (5) feet** inside the property line in a meter box.

When a business or an apartment house is to be serviced, contact the Water Department to obtain the proper size for the service.

38-6-3 ENGINEER TO PREPARE PLANS. After approval of design, plans and specifications shall be prepared in accordance with the foregoing and with specifications for utility main extensions from time to time adopted by the Village Board. The plans and specifications shall be prepared by the Village Engineer, or a Civil Engineer acceptable to the Village Board.

38-6-4 SEALED BIDS – LARGER PIPE REQUIRED. Sealed bids shall be received by the Village Board after advertisement not less than **ten (10) days** prior to the date of the receiving of the bids and after receipt thereof, the applicant shall deposit with the Village Clerk the entire cost, based upon the lowest responsible bid; the cost to include the entire cost of the proposed extension, including pipes, valves, fittings, fire hydrants, all other material and all costs of engineering and inspection. Excepting that if the Village should require the installation of a size of pipe larger than is found by the Village Engineering standard to be necessary for the subdivision, then the deposit shall be based upon the cost of installing the size determined to be necessary for the subdivision, with the Village standing the additional cost for a larger line.

38-6-5 CONTRACT. Upon deposit of the moneys by the applicant as hereinbefore required, a contract shall be entered into between the applicant and the Village as follows:

ARTICLE VII – WATER WELL SETBACK ZONE

38-7-1 SETBACK ZONE ESTABLISHED. The provisions of this Article shall apply to all properties located within the Minimum Setback Zone established under Section 14.2 of the Illinois Environmental Protection Act (“Act”) (**415 ILCS Sec. 5/14.2**) and this Article; and within the **One Thousand (1,000) Foot** Maximum Setback Zone established under Section 14.3(c) of the Act (**415 ILCS 5/14.3(c)**) and this Article; and within the **Two Thousand Five Hundred (2,500) Foot** Maximum Setback Zone established under Section 14.3(f) of the Act (**415 ILCS Sec. 5/14.3(f)**) and this Article.

38-7-2 DEFINITIONS IN E.P.A. ACT ADOPTED. Except as stated in this Article, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Article shall be the same as those used in the Illinois Environmental Protection Act (**415 ILCS Sec. 5/1 et seq.**) and in the Illinois Groundwater Protection Act (**415 ILCS Sec. 55/1 et seq.**).

“Act” means the Illinois Environmental Protection Act (**415 ILCS Sec. 5/1 et seq.**).

“Agency” means the Illinois Environmental Protection Agency.

“Board” means the Illinois Pollution Control Board.

“Dawson Community Water Supply Well” means any of the **three (3)** water currently being operated by the Village of Dawson Water System which wells are located in Section 25 of Township 16 North, Range 3 West of the Third Principal Meridian, all being situated in Sangamon County, Illinois, and which wells are commonly referred to as well numbers 01228, 01455 and 50380.

“1,000 Foot Maximum Setback Zone” means the **one thousand (1,000) foot** radius around each Dawson Community Water Supply Well as established under Section 14.3(c) of the Act and this Article.

“2,500 Foot Maximum Setback Zone” means the **two thousand five hundred (2,500) foot** radius around each Dawson Community Water Supply Well as established under Section 14.3(f) of the Act and this Article.

“Minimum Setback Zone” means the **four hundred (400) foot** radius area each Dawson Community Water Supply Well as established under Section 14.2 of the Act and this Article.

(10-01-07)

38-7-3 PROHIBITIONS.

(A) Except as provided otherwise in **Sections 38-7-4 or 38-7-5** of this Article, no person shall place a new potential primary source, new potential secondary source or new potential route within the Minimum Setback Zone.

(B) Except as provided otherwise in **Section 38-7-4** of this Article, no person shall place a new potential primary source within the **One Thousand (1,000) Foot Maximum Setback Zone.**

(C) Except as provided otherwise in **Section 38-7-4** of this Article, no person shall place a new potential route within the **Two Thousand Five Hundred (2,500) Foot Maximum Setback Zone**.

38-7-4 WAIVERS, EXCEPTIONS AND CERTIFICATIONS OF MINIMUM HAZARDS.

(A) If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, or potential secondary source or potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 3(a) of this Article.

(B) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or landtreating), new potential secondary source or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(a) of this Article.

(C) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or landtreating), is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(b) of this Article.

(D) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(c) of this Article.

(E) If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source or new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to Section 3(a) of this Article to the same extent that such owner is not subject to Section 14.2(d) of the Act.

38-7-5 EXCLUSION. Section 38-7-3 of this Article shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency, however, no such common sources may be located within the applicable minimum distance from a Dawson Community Water Supply Well specified by such regulations.

(Ord. No. 96-107; 12-02-96)